

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0164-16

3  
4 INTERVIEW OF: [REDACTED]

5 DATE OF INTERVIEW: 04/28/2016

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7  
8 [TRANSCRIBER'S NOTE: Poor audio quality at times, due to  
9 interview taking place outdoor on a very windy day.]

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11 INV. WECHTER: We're back on recording, with witness  
12 [REDACTED] on April 28th, 2016, at 1:24 p.m. This is OCC  
13 Investigator Wechter and this is in connection with OCC Case  
14 number 164-16. We are standing on the west sidewalk of  
15 Shotwell Street, just north of the school crossing sign. And  
16 [REDACTED], I've asked you to see if you can point out some of the  
17 locations from where the parties were.

18 [REDACTED]: Sure, absolutely. Luis was seated here.

19 INV. WECHTER: Okay.

20 [REDACTED]: With his back to the wall.

21 INV. WECHTER: Do you mind if I just take a photo?

22 [REDACTED]: [No, I don't care.]

23 INV. WECHTER: Okay.

24 [REDACTED]: And they started to talk to him here. The  
25 first officer in the first car gets out [inaudible] walks, I  
26 believe he walks here.

27 INV. WECHTER: Okay. And I'm going to mark that, so I  
28 can photograph that.

1 [REDACTED]: Yeah.

2 INV. WECHTER: Or actually, I can just take a photo here  
3 of that location.

4 [REDACTED]: Sure. Between the first and second tree.

5 INV. WECHTER: Okay. So, that's where the officers...

6 [REDACTED]: They walked here, and he had his gun raised.

7 INV. WECHTER: Okay. Could you just mimic that again?

8 [REDACTED]: Sure.

9 INV. WECHTER: Okay.

10 [REDACTED]: And then started to move down the sidewalk  
11 towards this location.

12 INV. WECHTER: And for the record, you were just  
13 standing between the first and second trees on the brick part of  
14 the pavement, between the [inaudible] of the trees.

15 [REDACTED]: Right. So, as he started to approach Luis,  
16 he was shouting commands, "Get on the ground. Get on the ground.  
17 Get on the ground." Luis didn't get on the ground. So, within  
18 just a few seconds, he started to shoot Luis with the shotgun,  
19 with the beanbag gun.

20 INV. WECHTER: Was he in approximately this location?

21 [REDACTED]: Exactly where you're standing.

22 INV. WECHTER: Exactly where I'm standing?

23 [REDACTED]: Right.

24 INV. WECHTER: Okay. So, I'm going to mark that with a  
25 bb1, for bean bag one, where the officer first started shooting.  
26 Okay.

27 [REDACTED]: And he was moving towards Luis obviously,  
28 while he was firing. And the second officer came up over here.

1 INV. WECHTER: [Unintelligible] here, between the first  
2 tree and the telephone pole?  
3 [REDACTED]: That's right. And was probably 10 to 12 feet  
4 from the first officer, and back slightly, and approaching Luis.  
5 INV. WECHTER: So, you're standing close to the curb  
6 here, right at the edge of the curb, around the first tree. Let  
7 me just take a photo of that. Okay.  
8 [REDACTED] And they were both moving forward. The  
9 officer with the bean bag was in front of the other officer.  
10 LUIS' COUSIN: What are you guys doing?  
11 INV. WECHTER: I'm with the Office of Citizen  
12 Complaints. We're doing an independent investigation into the  
13 police shooting of Luis Gongora [inaudible], that was three  
14 weeks ago today.  
15 LUIS' COUSIN: Sorry. What are you guys doing?  
16 INV. WECHTER: Let me give you a brochure. I'm with the  
17 Office of Citizen complaints, and we're an independent City  
18 agency. We're staffed by civilians, and we're responsible for  
19 investigating all complaints of members of the public filed  
20 against San Francisco Police officers. So, we're doing an  
21 independent investigation. It's separate from the investigation  
22 [inaudible].  
23 LUIS' [REDACTED] Well, I'm Luis' [REDACTED]  
24 INV. WECHTER: Okay.  
25 MALE: I'm one of [unintelligible] family.  
26 INV. WECHTER: Okay.  
27 [REDACTED]: I'm sorry for your loss.  
28 INV. WECHTER: Yeah. I'm very sorry for your loss. Could



1 I get your contact information? Is that the...

2 LUIS' [REDACTED] No, sir.

3 INV. WECHTER: No? Okay. Let me give you my card at  
4 least, so I want you to know that we're doing this. We're  
5 interested in talking to anyone who saw or heard anything that  
6 day.

7 LUIS' [REDACTED] So, what you guys are trying to do is  
8 just, this is...

9 INV. WECHTER: Let me just, I'm going to pause this  
10 recorder. It's 1:29.

11 (Pauses recorder.)

12 INV. WECHTER: Okay. It's 1:33 p.m., back on the  
13 recording with [REDACTED]. Okay. So, you were showing me?

14 [REDACTED]: The second officer, slightly behind and to  
15 the right of the first officer. The first officer was there, and  
16 when the first officer stopped shooting Luis, he got to his  
17 feet, gestured. That's when the second officer shouted, pulled  
18 out his service revolver, and shouted, "Put it down. Put it  
19 down," something to that effect.

20 INV. WECHTER: And where was the second officer at that  
21 point?

22 [REDACTED] Where you're standing, just a few feet,  
23 probably south of the telephone pole.

24 INV. WECHTER: Okay. And slightly to its east.

25 [REDACTED] Right.

26 INV. WECHTER: Maybe these squares; they're three feet  
27 square. So, maybe three-and-a-half feet from the curb.

28 [REDACTED] Sure. Okay. So, and then immediately, within

1 just a few seconds, the second officer started, after shouting,  
2 "[Man], drop it. Drop it," the second officer started to fire at  
3 Luis.

4 INV. WECHTER: And where was the first officer with the  
5 shotgun? [Unintelligible]?

6 WHITWORTH: Still over against the wall.

7 INV. WECHTER: And could you just show me?

8 WHITWORTH: Sure, slightly forward of the second officer  
9 and probably about [inaudible].

10 INV. WECHTER: So, probably about seven to eight feet  
11 from where he, further south from where he first started firing  
12 the bean bags?

13 [REDACTED] Yeah.

14 INV. WECHTER: Okay. Can you stand there again?

15 [REDACTED] Yeah.

16 INV. WECHTER: Because I just want to get a shot and  
17 I'll mark that.

18 (Wind begins and audio cuts in and out.)

19 [Unintelligible conversation.]

20 INV. WECHTER: Okay. And you're standing just in front  
21 of the last grill on the second set of grill works, south of the  
22 garage door. I'm just going to mark this with a bb2.  
23 [Inaudible.] Can you just move forward a little bit?

24 [REDACTED] Sure.

25 INV. WECHTER: Okay. So, this is where the officer with  
26 the shotgun started firing his handgun?

27 [REDACTED]: No.

28 INV. WECHTER: Okay.

1 [REDACTED]: I never saw the officer with the shotgun  
2 firing at him.

3 INV. WECHTER: Okay.

4 [REDACTED]: Yeah.

5 INV. WECHTER: Okay. But this is where the officer with  
6 the shotgun was when the second officer started firing his  
7 handgun?

8 [REDACTED]: Right. Right.

9 INV. WECHTER: And then, what did the officer with the  
10 shotgun do? Then, did he move?

11 [REDACTED]: They both, they were moving in sort of a  
12 circular motion, kind of retreating and moving back from Luis,  
13 and Luis fell forward to the ground.

14 INV. WECHTER: And where was this that Luis...so, Luis  
15 took a path from there over to where the steel pole for the  
16 school crossing sign is?

17 [REDACTED]: That's correct, uh-huh.

18 INV. WECHTER: And where was it that he fell?

19 [REDACTED]: He fell in this general area right here.

20 INV. WECHTER: Okay. There, between the steel pole and  
21 the telephone pole?

22 [REDACTED]: Right.

23 INV. WECHTER: Okay. Can you estimate the closest that...

24 [REDACTED]: I would say that...

25 INV. WECHTER: That Luis got to the officers as he was  
26 moving from where he had been seated to where he fell here?

27 [REDACTED]: You know, that would be difficult. I mean,  
28 obviously, to the building here, he stood up and gestured, like



1 this. And at this point, he was probably 12 to 14 feet from the  
2 officer with the shotgun, and probably [13] to 16 feet from the  
3 second officer, the [inaudible.]

4 INV. WECHTER: So, can you show where he was when he  
5 gestured?

6 [REDACTED] Sure.

7 INV. WECHTER: And you can just kind of show me what  
8 that looked like? Can you hold your hands out, so that I can...  
9 Okay.

10 [REDACTED]: And then he fell forward after he was being  
11 shot, while he was being shot, and those other two officers kind  
12 of moved in that direction; north on Shotwell Street on the  
13 sidewalk.

14 INV. WECHTER: Okay. So, this is where he gestured, and  
15 then he wound up over there?

16 [REDACTED]: Right. And I'm not sure if he was to the  
17 left of the pole or the right of the pole. I believe he was  
18 between the poles, the school sign and the telephone pole, but  
19 he might have been to the left of the [inaudible].

20 INV. WECHTER: So, since he's [blocked], so it's a three  
21 feet circle; 36, 9, that's 12 feet at least. Do you have a sense  
22 of how he covered that 10 to 12 feet before he fell forward,  
23 just totally fell?

24 [REDACTED]: Yeah. It looked like he was sort of  
25 stumbling forwards as he began getting shot. So, but I, at that  
26 moment, it was hard to sort of compute everything that I was  
27 seeing, just because it was such an intense event to watch.

28 INV. WECHTER: Uh-huh. And could you, be able to point

1 | where the officers moved back to [unintelligible]?  
2 | [REDACTED]: Yeah. They were kind of back in this general  
3 | area between the first and second pilaster, right here.  
4 | INV. WECHTER: And can you again, just let me get a shot  
5 | there too?  
6 | [REDACTED]: Go ahead, ma'am.  
7 | INV. WECHTER: Can you sort of point to where they were?  
8 | [REDACTED]: Right here.  
9 | INV. WECHTER: So, that's within a few feet of the wall?  
10 | [REDACTED]: Yes.  
11 | INV. WECHTER: Okay. And that is just maybe a foot north  
12 | of the telephone pole?  
13 | [REDACTED]: I think so, approximately, yes.  
14 | INV. WECHTER: Okay.  
15 | [REDACTED]: So, I can still show you the video.  
16 | INV. WECHTER: Okay.  
17 | [REDACTED]: Were you just meeting with her?  
18 | INV. WECHTER: It was one of the witnesses.  
19 | [REDACTED]: Yeah, yeah. I saw the [inaudible]. So, that  
20 | shows the two officers basically in this area.  
21 | INV. WECHTER: Okay. And this is a still. It says, 0047.  
22 | [REDACTED]: Right.  
23 | MALE: Good morning.  
24 | INV. WECHTER: And so, this shows in front of this grill  
25 | work.  
26 | [REDACTED]: Right.  
27 | (It sounds like they are walking between locations.)  
28 | INV. WECHTER: So, they were [inaudible], right around



1 here. Just slightly south of where I marked bb1 on the sidewalk?

2 [REDACTED]: Yes.

3 INV. WECHTER: Okay. Any other, and do you remember

4 seeing the third officer?

5 [REDACTED]: I do.

6 INV. WECHTER: And where was he?

7 [REDACTED]: He was pretty far back. He was by the first

8 car. He was still approaching, but he was pretty far from the

9 scene. He never drew his weapon, and jumps backwards when the

10 shooting started, and then [unintelligible].

11 MALE: Sorry. I [unintelligible].

12 INV. WECHTER: Let me pause this. Let me pause, it's

13 1:42 p.m.

14 (Pauses recorder.)

15 INV. WECHTER: So, we're back on the recording. It's

16 1:45 p.m., same location. Anything else that being out here, you

17 can [find out]?

18 [REDACTED]: I don't think so. I think that covers it. I

19 mean after that, the event was over, and the ambulance came and

20 tried to resuscitate Luis. So, that was about it.

21 INV. WECHTER: Okay.

22 [REDACTED]: Yeah.

23 INV. WECHTER: Okay. Well, I really appreciate you

24 taking the time.

25 [REDACTED]: Yeah. Sure, absolutely.

26 INV. WECHTER: To talk with me.

27 [REDACTED]: Yeah, of course.

28 INV. WECHTER: All right. We'll conclude the interview.

1 It's now 1:46 p.m.

2 END OF DOCUMENT

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